

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MICHELLE COLLINS, Personal)	CAUSE NO. 1:14-cv-01453
Representative of ESTATE OF)	
TIMOTHY J. DEWEESE,)	
)	
Plaintiff,)	
)	
vs.)	
)	
HOOK-SUPERX, L.L.C.,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant, Hook SuperRx, L.L.C., by counsel, files this Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441(b), and 1446. In support of this Notice, Defendant states as follows:

1. On August 4, 2014, Plaintiff filed its Complaint for Damages against Defendant in the Howard County Superior Court under Cause No. 34D01-1408-CT-00683. Plaintiff seeks recovery for a wrongful death cause of action against Defendant as a result of alleged negligent filling of an “excessive amount of prescription medications.”

2. The Defendant that owns and operates the pharmacy where these incidents allegedly occurred is Hook-SupeRx, L.L.C., a Delaware limited liability company. 100 percent of the outstanding stock of Hook-SupeRx, L.L.C., is owned by CVS Revco D.S., Inc., a Delaware corporation. The stock of CVS Revco D.S., Inc., is 100 percent owned by CVS Rhode Island, Inc., a Rhode Island corporation. The stock of CVS Rhode Island, Inc., is 100 percent owned by CVS Corporation, a Delaware corporation, which is a publicly held and traded company.

3. This Notice of Removal is filed timely, within 30 days after notice to the Defendants that this case is removable. 28 U.S.C. § 1446(b). This notice came in the form of receipt by counsel for the Defendant of Plaintiff's Complaint for Damages on August 8, 2014. It is clear that, if proved, the total amount of Plaintiff's claim far exceeds the \$75,000 matter in controversy threshold found in 28 U.S.C. § 1332(a).

4. The matter in controversy exceeds \$75,000, exclusive of interest and costs, based upon the allegations of both wrongful death as well as alleged dependent beneficiary survival in Plaintiff's Complaint for Damages. Further, this action does not fall within any of the categories of non-removable actions listed in 28 U.S.C. § 1445.

5. The citizenship of the parties is diverse. 28 U.S.C. § 1332(a), (c). Defendant, Hook-SupeRx, is a Delaware limited liability company with its principal place of business located in Woonsocket, Rhode Island. Plaintiff, Michelle Collins is a citizen of the State of Indiana.

6. Copies of all process, pleadings, and orders served upon the Defendant in the state court action are attached hereto, collectively, as Exhibit A, pursuant to 28 U.S.C. § 1446(a).

7. Contemporaneously herewith, written notice will be given to all adverse parties and to the Clerk of the Superior Court of Howard County, Indiana, that this Notice of Removal is being filed with this Court.

8. Defendant specifically reserves all defenses, including, without limitation, all defenses specified in Rule 12(b) of the Federal Rules of Civil Procedure.

9. Defendant hereby requests a trial by jury.

WHEREFORE, Defendant, Hook-SupeRx, L.L.C., files this Notice of Removal so that the entire state court action pending in the Howard Superior Court under Cause No. 34D01-1408-CT-00683, may be removed to this Court for all further proceedings.

FROST BROWN TODD LLC

By: /s/ Edward L. Holloran, III

Edward L. Holloran, III, #27452-49

Jessica Williams Schnelker, #31566-49

Attorneys for Defendant

CERTIFICATE OF SERVICE

Service of the foregoing was made by placing a copy of the same into the United States

Mail, first class postage prepaid, on September 5, 2014, addressed to:

Jason R. Reese
WAGNER REESE, LLP
11939 North Meridian Street
Carmel, Indiana 46032

/s/ Edward L. Holloran, III

FROST BROWN TODD LLC
201 North Illinois Street, Suite 1900
P.O. Box 44961
Indianapolis, IN 46244-0961
317-237-3800
Fax: 317-237-3900
eholloran@fbtlaw.com
jschnelker@fbtlaw.com

0128247.0619778 4813-6467-7150v1